

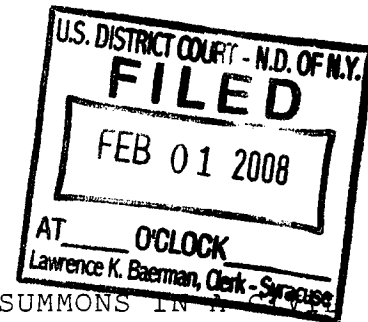
UNITED STATE DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK STATE:

MR, JAMES N. MYERS JR. PETITIONER,
BAREHILL CORRECTIONAL FACILITY
CALLER BOX 20, 181 BRAND ROAD,
MALONE, NEW.YORK. 12953-0020
DIN NO: 06-A-4780

-VS-

CITY OF TROY & TROY POLICE DEPT.
& JOHN DOE 1, 2, 3, 4, & 5,

RESPONDENTS



GLS / DRH

SUMMONS IN A
CASE COMPLAINT:

08 -CV- 0125

CASE NO: _____

I the Petitioner Mr, James N. Myers Jr., being duly sworn
and deposes and says that the foregoing to be true:

1) I am the Petitioner and that I reside at the Barehill Corre-
ctional Facility, Caller Box 20, 181 Brand Road, Malone, New York
12953-0020,.

2) The Respondent's reside at the Troy Police Department and
the City of Troy, 55 State Street, Troy New York 12180

3) The date and time of the factual occurrence compromising
this complaint is August 17, 2006 at approximately 4:00A.M. on
fifth Ave, in Troy New York between the blocks of Jacob and hut-
ton, Streets, the factual occurrence arose.

4) The factual allegations set fourth herein generally comp-
rise, the basis for this suit: I James N. Myers Jr., accompanied
by Jeffery D. Myers, and Jody Jones and Jermaine demand, went to
I love N.Y. pizza in Troy N.Y. 12180., Upon leaving, I noticed
that we were being followed by the Troy Police. When we arrived
between Jacob and Hutton Streets, there was John Doe 1, with a
shot gun and his police car blocking Hutton Street exit behind
us was 10 other police cars, the evidence technician and the K-9
unit I was ordered to remove the keys out of the ignition, throw
them on the ground, step out of the truck, walk backwards slowly,
were I was then handcuffed and placed in a Police care, by John
Doe 2,. At this time I realized that at least 10 Officer had
there guns drawn, pointing at the truck were I just came from.
All other remaining people in my party were subsequently removed
from the truck in the same manner, by different John Doe's., 3,-
4, and 5, handcuffed and placed in different police cars. Prior
to being placed in the police cars we were all throughly searched
shortly thereafter, the vehicle I was driving, my fathers 2000
Ford Expedition, was throughly searched as well the contents
in it. Everything was placed back in the truck and we were un-
cuffed, and released except for Mr, Jones, who was held for an

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unpaid fine. At no time were we told why we were being detained or arrested or why the vehicle was being searched.

5) It is claimed that the City of Troy N.Y. is therefore liable based upon the following legal basis:

6) Petitioner brings this action against the Respondents to redress the deprivation of the rights secured to him by the 4th and the 14th amendments to the United States Constitution, and the Article 1 § 6 of the New York Constitution, and under the common law of the State of New York. The City of Troy Police Department is a subdivision of the City of Troy, a municipal Corp. organized and existing under the law of the State of New York and / or by the City Charter.

7) The Respondents City of Troy, owns, operates, maintains, controls, and supervises the Police Officer employed by the City of Troy Police Department.

8) The Respondent City of Troy, through it's Police Department employees Police Offices, including John Doe's 1-5 captioned above.

9) The Respondent City of Troy, operates and governs the City of Troy Police Department. Pursuant to the laws of the City of Troy and the State of New York and or by City Charter.

10) The Respondents, John Doe's 1-5 are sued both individually and in their official capacity. Respondents John Doe's 1-5 unlawfully, violated the petitioner's constitutional rights. at all times during herein. at the time of the alleged incident, and at all time pertinent hereto, the respondents acted under the color of state law of a statute, ordinance, regulation, or custom, as a proximate and direct, cause of the acts and omission of the respondents herein, petitioner has suffered pain and mental anguish, and was deprived of his physical liberty.

11) The Respondents John Doe's 1-5 acted with actual malice towards petitioner and with willful and wanton indifference and deliberate disregard for the statutory and constitutional rights of the petitioner. The action taken by John Doe's 1-5 constituted unreasonable and excessive use of force, and deprivation without due-process of law. Upon information and belief, at all times pertinent hereto, the City of Troy, through it's Police Department, permitted and tolerated a pattern and practice of unreasonable, use of force, unreasonable search and seizure, by John Doe

(Cont)

's, 1-5 of the City of Troy. Upon information and belief, the City of Troy Police Department, has maintained a system of review of Police Officers conduct, which is so untimely and cursory as to be ineffective and which permits and tolerates the unreasonable, and excessive use of force, and search and seizure by Police Officers of the City of Troy.

12) The acts, omissionsm systemic flaws, policies and customs of the City of Troy, caused Police Officers, John Doe's 1-5 of the City of Troy to believe that excessive and unreasonable use of force and unreasonable search and seizure, would not be aggressively, honestly and properly investigated with the foreseeable, result that the officers were more likely to use excessive and unreasonable force as well as unreasonable search and seizure in the course of their duties.

WHEREFORE THE Petitioner respectfully request the sum of 250 Million in damages due to the unreasonable act's committed by the City of Troy and the City of Troy Police Department and it's Officer John Doe's 1, 2, 3, 4, & 5, in the course of there Duties on August 17, 2006 at 4:00A.M. in the morning hours. and whatever the Court may deem just and proper.

Dated: Nov. 19, 2007,

Mr. James N. Myers Jr. 06A4780
Mr, James N. Myers Jr, 06-A-4780
Acting Attorney Pro Se For Self
BAREHILL CORRECTIONAL FACILITY
CALLER BOX 20, 181 BRAND ROAD,
MALONE, NEW.YORK. 12953-0020

SWORN TO ME BEFORE THIS

19 DAY OF November, 2007,

Joshua Sweet
NOTARY PUBLIC
JOSHUA SWEET
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01SW6166707
QUALIFIED IN ST LAWRENCE COUNTY
COMMISSION EXPIRES 05/21/2011